## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA,	)	
	)	
v.	)	No. 1:13-cr-109-HSM-SKL-01
	)	
ROBERT BEENE	)	

## MEMORANDUM AND ORDER

ROBERT BEENE ("Defendant") appeared for a hearing on January 30, 2017, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision ("Petition").

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge Mattice. Defendant waived his right to a preliminary hearing but requested a detention hearing, which was held. U.S. Probation Officer Shaquana Kennedy testified regarding the factual allegations set forth in the Petition and related matters. Both parties presented their respective arguments, which were fully considered by the Court.

Based upon the Petition and Defendant's waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed a violation of his conditions of supervised release as alleged in the Petition.

Based on the proof as addressed in greater detail during the detention hearing and pursuant to Fed. R. Crim. P. 32.1(a)(6), the Court finds Defendant has not carried his burden of demonstrating by clear and convincing evidence that, if released at this time, he would not pose a danger to another person or to the community due to his continuing extensive history of substance abuse and non-compliance.

## Accordingly, it is **ORDERED** that:

- (1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge Mattice a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.
- (2) In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before U.S. District Judge Mattice.

pending further order from this Co	ourt is <b>GRANTED</b> .	
SO ORDERED.		
ENTER.		
	s/ <i>Sušan K. Qee</i> SUSAN K. 1 FF	-

(3) The Government's motion that Defendant be DETAINED WITHOUT BAIL

SUSAN K. LEE UNITED STATES MAGISTRATE JUDGE